

Public Chapter 414

SENATE BILL NO. 1274

**By Jordan, Ramsey, Carter, Williams, Koella, Atchley, Henry, Burks, Person,
Fowler, Haun, Cooper, Miller, Crowe, Elsea, Leatherwood**

Substituted for: House Bill No. 766

By Jackson, Godsey, Dunn, Sargent, Mumpower, Winningham, John DeBerry, Burchett, Walley, Goins, Boyer, Newton, Hassell, Westmoreland, Gunnels, Patton, Ford, Beavers, Roach, Pinion, Ralph Cole, Givens, Phelan, Ronnie Cole, Rinks, Kent, Walker, Sharp, Bittle, Stulce, Wood, McAfee, McDaniel, Maddox, Fraley, Whitson, Sands, Curtiss, White, Stamps, McDonald, Hargrove

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 15, Part 2, relative to partial-birth abortions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) For purposes of this section, unless the context otherwise requires:

(1) "Partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

(2) "Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

(b) No person shall knowingly perform a partial-birth abortion.

(c) Subsection (b) shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury.

(d)(1) A defendant accused of an offense under this section may seek a hearing before the state medical board which licenses the physician, on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty (30) days to permit such a hearing to take place.

(e)(1) Performance of a partial-birth abortion in knowing or reckless violation of this act shall be a Class C felony.

(2) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this act for violating this act, or any provision thereof, or for conspiracy to violate this act or any provision thereof.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.